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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee on Economic, Social and Cultural Rights:

VIET NAM

1. The Committee considered the initial report of the Socialist Republic of Viet Nam (E/1990/5/Add.10) at its 9th, 10th and 11th meetings held on 19 and 21 May 1993 and adopted 1/ the following concluding observations:

A. Introduction

2. The Committee expresses its appreciation to the State party for the submission of its report and its willingness to hold a frank and constructive dialogue on the situation of economic, social and cultural rights in the Socialist Republic of Viet Nam. It takes note with satisfaction of the full replies and oral explanations provided by the State party in connection with the written questions submitted to it.

3. The written report, the additional information provided by the representative of the State party and his oral replies to the questions asked by the members of the Committee give a clearer and up-to-date picture of the progress made and the difficulties impeding the realization of economic, social and cultural rights in Viet Nam.

1/ At the 19th meeting (eighth session), held on 27 May 1993.

B. Positive aspects

4. The Committee takes note with satisfaction of the information provided by the representative of the State party on the adoption in April 1992 of a new Constitution, which replaces the 1980 Constitution and embodies major advances as far as fundamental rights in the country are concerned. These changes are all the more obvious in that the initial report submitted by the State party on 23 January 1992 reflects the situation that existed prior to the entry into force of the new Constitution.

5. The Committee also received the information furnished by the State party on the drafting of the new Labour Code, which will, once adopted, introduce a number of necessary labour reforms and improvements.

6. The Committee welcomes the efforts made by the State party to implement a far-reaching programme of reforms to deal with the serious problems resulting from a lengthy war, which has wreaked havoc in the economy and the most vulnerable sectors of society.

7. In general, the Committee appreciates the fact that the report of the State party was introduced openly and frankly, without avoiding the problems which still exist and affect the full realization of economic, social and cultural rights in Viet Nam.

C. Factors and difficulties impeding the application of the Covenant

8. The Committee notes that the country's history of a lengthy war, its partition and subsequent reunification, and the complex process of transition from a centrally planned economy to a market economy, have created serious difficulties impeding the full application of the International Covenant on Economic, Social and Cultural Rights. Additional impediments include: high rates of inflation; the continuing subordination of women; a reliance upon child labour which jeopardizes their access to education; and a lack of resources to finance basic social security, health and education programmes. The Committee was also informed that difficulties have flowed from the persistent dependence on an agricultural economy based on the cultivation of a single crop.

D. Principal subjects of concern

9. The Committee expresses its concern about the absence of an independent and pluralistic trade union movement and the lack of clear and specific rules on the right to strike.

10. With regard to education, it notes that, despite the progress made, there is still no programme to guarantee free primary education. It also notes that there are high rates of absenteeism from school and a growing number of street children involved in unlawful activities, such as prostitution, drugs abuse and illicit trafficking in drugs.

11. The Committee notes that some types of discrimination were practised more or less systematically on the basis of preferences in favour of persons from certain groups, such as children of war victims and decorated families.

E. Suggestions and recommendations

12. In view of the positive developments that have taken place in the implementation of economic, social and cultural rights in the last few years of national reunification and, in particular, the adoption of the new Constitution on 15 April 1992, the Committee recommends that the State party should intensify its efforts to find a better and more effective solution to the problem of the enjoyment of such rights through internal measures and international cooperation, wherever such cooperation might be appropriate. In the Committee's view, particular efforts should be made to solve the problem of school absenteeism and the concentration of child labour at the expense of school attendance, as well as the problem of overwork by married women. Effective measures should also be adopted to reduce levels of malnutrition, especially among children; to improve the services of the social security system; to ensure the more rapid implementation of the new Labour Code; and, in general, to compensate for the effects on minorities and less privileged social groups of economic adjustments to promote the change to a free market society.